

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, AUGUST 9, 1988
AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 11:04 a.m. The meeting was recessed by Mayor O'Connor at 12:08 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:05 p.m. with Council Members McColl, Pratt, and McCarty not present. Mayor O'Connor recessed the meeting at 4:03 p.m. Mayor O'Connor reconvened the meeting at 4:16 p.m. with all members of the Council present. Mayor O'Connor recessed the meeting at 5:56 p.m. Mayor O'Connor reconvened the meeting at 6:15 p.m. with Council Members McColl and Pratt not present. Mayor O'Connor recessed the meeting at 6:31 p.m. to convene the Redevelopment Agency meeting and thereafter, to convene the Housing Authority meeting. Mayor O'Connor reconvened the meeting at 7:15 p.m. with Council Member Pratt not present. Mayor O'Connor adjourned the meeting at 8:45 p.m. into Closed Session on Tuesday, September 6, 1988, at 9:30 a.m. in the twelfth floor conference room to discuss pending and potential litigation matters and meet and confer issues.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Roberts-present
 - (3) Council Member McColl-present
 - (4) Council Member Pratt-present
 - (5) Council Member Struiksmma-present
 - (6) Council Member Henderson-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-present
- Clerk-Abdelnour (tm;mp)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present

- (3) Council Member McColl-present
- (4) Council Member Pratt-not present
- (5) Council Member Struiksma-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-not present
- (8) Council Member Filner-present

ITEM-330:

Matters of the following variance requests from the Interim Development Ordinance (IDO):

- a) A variance request from the Interim Development Ordinance (IDO) for a 5-unit project (includes proposed units and any existing units to remain). The subject property is located at 1455 Missouri Street and is described as Assessors Parcel Number 416-392-07. The R-1500 zoned site is within the Pacific Beach Community Plan area.
(Case-88-4135 (Accelerated). District-6.)
- b) A variance request from the Interim Development Ordinance (IDO) for a 4-unit project (includes proposed units and any existing units to remain). The subject property is located at 3706 Haines Street and is described as Lots 23 & 24, Block 1, Turner's Sea Shell Park, Map-1203. The R-1500 zoned site is within the Pacific Beach Community Plan area.
(Case-87-3027 (Accelerated). District-6.)
- c) A variance request from the Interim Development Ordinance (IDO) for a 5-unit project (includes proposed units and any existing units to remain). The subject property is located at 4051 Haines Street and is described as Lots 7, 8, & 9 in Block 2 of Second Fortuna Park, Map-895. The R-1500 zoned site is within the Pacific Beach Community Plan area.
(Case-88-4137 (Non-accelerated). District-6.)
- d) A variance request from the Interim Development Ordinance (IDO) for a 5-unit project (includes proposed units and any existing units to remain). The subject property is located at Calle Tragar west of Sparren Avenue and is described as Assessors Parcel Numbers 306-203-20 through 24. The R-1-5 zoned site is within the Penasquitos East Community Plan area.
(Case-88-4142 (Non-accelerated). District-1.)

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Subitem-A: (R-89-750) ADOPTED AS RESOLUTION R-271700
DENYING THE VARIANCE

Adoption of a Resolution granting or denying the variance request for Case-88-4135 with appropriate findings to support Council action.

Subitem-B: (R-89-751) ADOPTED AS RESOLUTION R-271701
DENYING THE VARIANCE

Adoption of a Resolution granting or denying the variance request for Case-87-3027 with appropriate findings to support Council action.

Subitem-C: (R-89-752) ADOPTED AS RESOLUTION R-271702
GRANTING THE VARIANCE WITH A
CONDITION

Adoption of a Resolution granting or denying the variance request for Case-88-4137 with appropriate findings to support Council action.

Subitem-D: (R-89-753) ADOPTED AS RESOLUTION R-271703
GRANTING THE VARIANCE

Adoption of a Resolution granting or denying the variance request for Case-88-4142 with appropriate findings to support Council action.

FILE LOCATION:

Subitem-A - ZONE - IDO Variance Case-88-4135

Subitem-B - ZONE - IDO Variance Case-87-3027

Subitem-C - ZONE - IDO Variance Case-88-4137

Subitem-D - ZONE - IDO Variance Case-88-4142

COUNCIL ACTION: (Tape location: A034-B190.)

Hearing began at 11:05 a.m. and halted at 11:58 a.m.

Council Member McCarty entered at 11:12 a.m.

Council Member Struiksma entered at 11:35 a.m.

Testimony in favor of Case 88-4135 by Richard Lamb and Brian Sorokin.

MOTION BY HENDERSON TO DENY THE VARIANCE FOR SUBITEM-A. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-not present, Henderson-yea, McCarty-nay, Filner-yea, Mayor O'Connor-yea.

Testimony in favor of Case 87-3027 by Kathryn G. English.

MOTION BY HENDERSON TO DENY THE VARIANCE FOR SUBITEM-B. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-not present,

Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.
Testimony in favor of Case 88-4137 by Greg Burzette.
Motion by Henderson to deny the variance for

Subitem-C. Second

by Roberts. No vote.

MOTION BY HENDERSON TO SET ASIDE THE THREE UNITS AND EXEMPT THE PROJECT FROM THE IDO CONTINGENT UPON COUNCIL APPROVAL OF THE REDESIGN. Second by Roberts. Passed by the following vote:

Wolfsheimer-nay, Roberts-yea, McColl-yea, Pratt-yea,
Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY WOLFSHEIMER TO GRANT THE VARIANCE FOR SUBITEM-D.

Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,
Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea,
Mayor O'Connor-yea.

ITEM-331: CONTINUED TO SEPTEMBER 20, 1988 AT 10:00 A.M.

(Continued from the meeting of July 19, 1988, Item 331, at the City Manager's request, due to Growth Management Hearings.)

Two actions relative to the Penasquitos East Facilities Benefit Assessment:
(Penasquitos East Community Area. District-1.)

Subitem-A: (R-88-2122)

Designating an area of benefit in Penasquitos East and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to said Public Facilities Projects, the method for apportioning the costs of said public facilities projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of the proposed Public Facilities Project in the matter of the Penasquitos East Facilities Benefit Assessment Area.

Subitem-B: (R-88-2171)

Declaring that the assessment fee schedule contained in the Penasquitos East Public Facilities Benefit Assessment and

Financing Plan is to be an appropriate and applicable fee for all properties within the Penasquitos East Community that have never been assessed under the Penasquitos East Facilities Benefit Assessment and Public Facilities Financing Plan or have otherwise agreed to the payment of Facilities Benefit Assessment fees as prescribed by the City Council; rescinding any provisions of Section 6 of Resolution R-270065 which are inconsistent and of no further force and effect.

CITY MANAGER SUPPORTING INFORMATION: On January 5, 1988 Council adopted Resolution R-270065 which established impact fees for those portions of 11 planned urbanizing communities that were not included in an existing Facilities Benefit Assessment or otherwise required to pay Public Facility Impact Fees. That Resolution established as the applicable impact fee the prevailing, Council approved Public Facilities Financing Plan. Section 6 of the Resolution deals with the Penasquitos East Community. The Resolution will delete the fees as established in the 1986 Financing Plan and establish the applicable fees as being those contained in the 1988 Financing Plan, once Council has approved the 1988 Plan.

FILE LOCATION: STRT FB-5

COUNCIL ACTION: (Tape location: A018-034.)

MOTION BY WOLFSHEIMER TO CONTINUE TO SEPTEMBER 20, 1988 AT 10:00 A.M. AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW.

Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-332:

Prezoning 40.9-acres of vacant land, currently under annexation from the County of San Diego and zoned S-87 (County zoning), proposed for Zone R1-6000 (HR), Single Family Residential, minimum lot size of 6,000 square feet. The subject property is generally located north of Spring Canyon Road, west of Pomerado Road, east of I-15 and south of Poway Road, in the Miramar Ranch North Community Plan area, and is further described as the northwest quarter of Section 27, Township 14 South, Range 2 West, S.B.B.M. (Case-87-1131. District-5.)

Subitem-A: (R-89-258) ADOPTED AS RESOLUTION R-271711
Adoption of a Resolution certifying that the information

contained in Environmental Impact Report EIR-85-0100 has been completed in compliance with the California Environmental Quality Act of 1970, and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (O-88-214) INTRODUCED, TO BE ADOPTED
SEPTEMBER 6, 1988

Introduction of an Ordinance for R1-6000 (HR) Zoning.
FILE LOCATION:

Subitem-A: ZONE ORD. NO.;

Subitem-B: - -

COUNCIL ACTION: (Tape location: H175-185.)

Hearing began at 6:15 p.m. and halted at 6:16 p.m.

MOTION BY STRUIKSMA TO CLOSE THE HEARING, ADOPT THE RESOLUTION, AND INTRODUCE THE ORDINANCE. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, McColl-yea, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-333: (O-89-18) INTRODUCED AND ADOPTED AS ORDINANCE
O-17126 (New Series)

Introduction and adoption of an Ordinance fixing the tax rates and levying taxes for the Fiscal Year 1988-89.

(See City Manager Report CMR-88-380.)

NOTE: See Item 200 on the docket for Monday, August 8, 1988 for the first public hearing. Today's action is the introduction and adoption of the ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B190-308.)

MOTION BY McCOLL TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT ITEM 333 AND TO ADOPT ITEMS S504, S505 AND S506. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-334: (R-89-296) ADOPTED AS RESOLUTION R-271712

Approving in concept the proposed San Diego Soviet Arts Festival planned for October/November 1989; expressing the City Council's support of the three week celebration of Soviet Art and Culture.

MAYOR SUPPORTING INFORMATION: On July 11, 1988 Mayor O'Connor and Vladislav I. Kazenin, Deputy Minister of Culture for the Soviet Union, signed a Protocol Agreement calling for a San Diego Soviet Arts Festival. The three week event, slated for October/November 1989, will be a multi-disciplinary presentation of Soviet Art and Culture and will include the collaboration of the local arts community. The agreement lists both specific as well as prospective art collections and performing arts groups to be included in the festival.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C070-E527.)

MOTION BY ROBERTS TO APPROVE IN CONCEPT THE MAYOR'S PLAN TO HAVE AS OUR FIRST AN ARTS FESTIVAL WITH THE SOVIET UNION. ALSO, THE FESTIVAL COMMITTEE AND THE COMMISSION ARE TO REPORT TO THE CITY COUNCIL WITH RESPECT TO THE FINANCIAL ARRANGEMENT. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-335: (R-89-) CONTINUED TO SEPTEMBER 20, 1988,
2:00 P.M.

Appeal of Mr. & Mrs. Bernard Flynn by Donald R. Worley, Attorney, from the decision of the Historical Site Board in the historical designation of the Citrus/Pacific Soap Factory. The subject property is located at 301 West Market Street in the Centre City Community Plan area. (District-8.)

Adoption of a Resolution approving or denying the appeal and approving or denying the historical designation of the Citrus/Pacific Soap Factory with appropriate findings to support Council action.

FILE LOCATION: GEN'L - Historical Site Board Decisions & Appeals, etc.

COUNCIL ACTION: (Tape location: H152-175.)

MOTION BY ROBERTS TO CONTINUE TO SEPTEMBER 20, 1988, 2:00 P.M., AT MR. WORLEY'S REQUEST AND FOR STAFF TO COME BACK ON THAT DATE WITH A RECOMMENDATION FROM CCDC. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

ITEM-336: CONTINUED TO SEPTEMBER 27, 1988, 2:00 P.M.
TIME CERTAIN

(Continued from the meeting of July 26, 1988, Item 342, at

Council Member Henderson's request, for further review.)
Proposal to rezone various properties (currently zoned C, C-1, CA, CO, M-1, R-400, R-1000 and R-1500) within the Pacific Beach community. The proposed rezonings (to any combination of C-1, CO, CC, CV, CN, R-1500, R1-5000 and R1-40000) are designed to implement the City of San Diego's Local Coastal Program Land Use Plan and to bring the City's zoning into conformity with the adopted Pacific Beach Community Plan.

The proposed rezonings for areas in the Coastal Zone have been approved "in concept" by the City Council and have been reviewed and approved by the California Coastal Commission.

The subject property, totaling approximately 2,700 acres of land within the Pacific Beach Community Plan area, is located generally in an area bounded by the La Jolla community to the north, the Pacific Ocean to the west, Mission Bay to the south, and I-5 to the east. The area is officially recognized by the City of San Diego as the Pacific Beach Community Plan area.
(Case-88-0225. District-6.)

Subitem-A: (R-88-2577)

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-83-0137 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-88-213)

Introduction of an Ordinance for R1-40000, R-1500, CO, CN, CV, CC and C-1 Zoning.

FILE LOCATION: ZONE ORD. NO.

COUNCIL ACTION: (Tape location: H112-148.)

MOTION BY HENDERSON TO CONTINUE TO SEPTEMBER 27, 1988, 2:00 P.M. TIME CERTAIN TO ALLOW HIM TIME TO HOLD DISCUSSIONS WITH THE RESIDENTS AND THE PLANNING DEPARTMENT WITH THE INTENT OF BRINGING A COMPLETE PACKAGE TO COUNCIL. Second by Roberts.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-337: CONTINUED TO SEPTEMBER 26, 1988, 3:00 P.M.

TIME CERTAIN

(Continued from the meeting of April 18, 1988, Item S405, at the City Manager's request, to allow staff to complete a comprehensive analysis of the parking and access report submitted by a Consultant; Continued from the meeting of July 18, 1988, Item 201, at the City Manager's request to continue discussions of this plan with the Park and Recreation Board.)

Matter of the Balboa Park Master Plan.

(Balboa Park Community Area. District-8.)

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: E544-F194.)

Hearing began at 4:16 p.m. and halted at 4:35 p.m.

Testimony in favor of the continuance by Dick Bundy.

MOTION BY ROBERTS TO CONTINUE ITEM-337 AND ITEM-S502 TO SEPTEMBER 26, 1988, 3:00 P.M. TIME CERTAIN AT MR. BUNDY'S REQUEST BECAUSE THE PRESENT REPORT DOES NOT CONTAIN THE COMPROMISE AS PROMISED. Second by Henderson. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, McColl-nay, Pratt-nay, Struiksmay-yea, Henderson-yea, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

ITEM-338: (R-88-973 Rev. 1) CONTINUED TO NOVEMBER 15, 1988, 2:00 P.M.

(Continued from the meetings of November 30, 1987, Item 200, January 11, 1988, Item 205, February 8, 1988, Item 208 and May 9, 1988, Item 200; last continued at Council Member Roberts' request, until the FAR Part I Study is completed and brought back together with this item.)

Rescinding the provision in Resolution R-254594 relating to utilization of Site 428 for housing for persons and families of low-income; authorizing the execution of a quitclaim deed to supplement the earlier Grant Deed, which shall delete any requirement for low-income housing on the site.

(See Housing Commission Report HCR-87-014CC. Peninsula Community Area. District-2.)

NOTE: See Item 339 for a companion item.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: C040-058.)

MOTION BY HENDERSON TO CONTINUE ITEM-338 AND ITEM-339 TO NOVEMBER 15, 1988, 2:00 P.M., AT MR. SPATA'S REQUEST, UNTIL AFTER THE BOARD OF COMMISSION OF THE PORT DISTRICT RENDERS ITS

FINAL DECISION ON THE FAR PART 150 STUDY FOR LINDBERGH FIELD.

Second by Wolfsheimer. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-339: CONTINUED TO NOVEMBER 15, 1988, 2:00 P.M.

(Continued from the meetings of November 30, 1987, Item 201, January 11, 1988, Item 206, February 8, 1988, Item 209 and May 9, 1988, Item 201; last continued at Council Member Roberts' request, until the FAR Part I Study is completed to be brought back with this item.)

Four actions relative to multiple street and alley vacations and slope and sewer easement abandonment:
(See City Manager Report CMR-87-441. Peninsula Community Area. District-2.)

Subitem-A: (R-88-457)

Vacating Banning Street, Famosa Boulevard, San Clemente Street, Yonge Street, Xenophon Street, and an alley adjacent to Blocks 1, 1A and 7 through 9 within Loma Alta Unit 1, Map-1078 and a portion of Pueblo Lot 206.

Subitem-B: (R-88-464)

Vacating the City's interest in an unneeded sewer easement affecting a portion of Pueblo Lot 206, pursuant to Section 8300 et seq. of the Streets and Highways Code.

Subitem-C: (R-88-465)

Authorizing the sale by negotiation of a slope easement in Blocks 8 and 9 of Map-1078 and within a portion of Pueblo Lot 206 for the processing fee to The Housing Authority of the City of San Diego; authorizing the execution of a grant deed, granting to The Housing Authority of the City of San Diego, all that portion of a slope easement in Blocks 8 and 9 of Map-1078 and within a portion of Pueblo Lot 206; declaring that no broker's commission shall be paid by the City on the negotiated sale.

Subitem-D: (R-88-466)

Certifying that the information contained in Environmental Negative Declaration END-81-1029, issued in connection with the development of a 4.94-acre site adjacent to Nimitz Boulevard, has been completed in compliance with the

California Environmental Quality Act of 1970, as amended and State guidelines and that said Declaration has been reviewed and considered by the Council.

NOTE: See Item 338 for a companion item.

FILE LOCATION:

Subitem-A,D: STRT J-2661;

Subitem-B,C: - -

COUNCIL ACTION: (Tape location: C040-058.)

MOTION BY HENDERSON TO CONTINUE ITEM-338 AND ITEM-339 TO NOVEMBER 15, 1988, 2:00 P.M., AT MR. SPATA'S REQUEST, UNTIL AFTER THE BOARD OF COMMISSION OF THE PORT DISTRICT RENDERS ITS FINAL DECISION ON THE FAR PART 150 STUDY FOR LINDBERGH FIELD.

Second by Wolfsheimer. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-S412: (R-88-1171 Rev.1) ADOPTED AS AMENDED AS RESOLUTION
R-271713

(Trailed from the meeting of June 13, 1988, Item 200, to June 14, 1988; Trailed as Unfinished Business from June 14, 1988; Continued from the meetings of June 20, 1988, Item S406, June 23, 1988, Item 702, July 27, 1988, Item 602 and August 1, 1988, Item 601; last continued to allow the City Attorney to come back to Council on August 8, 1988 with the final form of the Development Agreement Policy.)

Proposed Council Policy establishing Standards and Guidelines for Review of Development Agreements.

The proposed policy would establish standards and criteria for the benefits and assurity to both the applicant and the City of San Diego for entering into a development agreement and will also establish guidelines for the format of the agreement document and evaluation of the impact components coupled with specific expectations to occur as a result of the agreement itself.

Adoption of a Resolution approving Council Policy 600-37.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F198-G575.)

Hearing began at 4:36 p.m. and halted at 5:52 p.m.

Motion by Struiksma to approve the wording of C.3. under "POLICY" as prepared by the City Attorney. Second by Roberts.

Passed by the following vote: Yeas-1,2,3,4,5,6,7,8,M.

Nay-None. Not present-None.

Motion by Struiksma to strike all references to the Quality of Life initiative on pages 3 and 4 of the draft handed out at 3:00 p.m., August 9, 1988, with the inclusion of an indemnification clause stating that in the event a legal challenge was to be brought on any of these development agreements that the proponent of that agreement would undertake the responsibility of defending. Second by McCarty. Passed by the following vote: Yeas-2,3,4,5,6,7. Nays-1,8,M. Not present-None.

MOTION BY STRUIKSMA TO APPROVE THE DEVELOPMENT AGREEMENT POLICY

AS AMENDED AND TO ALSO REVISE THE LAST SENTENCE OF SECTION B, POLICY, AS FOLLOWS: "IF THE CITY COUNCIL HAD PRIOR TO THE APPROVAL OF THE GROWTH MANAGEMENT ELEMENT, HOWEVER, ACTUALLY DIRECTED THE PREPARATION OF THE EXECUTION OF A DEVELOPMENT AGREEMENT AND SPECIFIED THE BASIC TERMS OF THE AGREEMENT SUBJECT ONLY TO ITS FINAL DRAFTING, THE CITY COULD APPROVE SUCH AN AGREEMENT PRIOR TO THE ELECTION OF THE INITIATIVE. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-nay, Mayor O'Connor-nay. Motion by Struiksma to direct the City Manager to come back to Council on September 6, 1988, with a recommendation on how to handle the remaining five development agreement proposals which are listed on Attachment No. 1 to the draft policy. Also direct staff to go back and listen to the tapes for those development agreements that were approved for consideration by the Council. Identify the hearing date, motion maker, and the second to the motion. All others fall under the category of "submitted or discussed with staff". Second by McCarty. Passed by the following vote: Yeas-1,2,3,4,5,6,7,8,M. Nays-None. Not Present-None.

MOTION BY COMMON CONSENT TO SUSPEND THE RULES AND TO CONTINUE THE MEETING PAST 5:30 P.M.

ITEM-S421:

Two actions relative to the calling of a Special Municipal Election to be held on November 8, 1988:

**Subitem-A: (O-89-22 Rev.2) INTRODUCED AND ADOPTED AS AMENDED
AS ORDINANCE O-17127 (New Series)**

Introduction and adoption of an Ordinance ordering, calling, providing for and giving notice of a Special Municipal Election to be held in the City of San Diego on

November 8, 1988, for the purpose of submitting to the qualified voters of the City of San Diego one proposition relating to an initiative measure amending the Charter of the City of San Diego by amending Charter Sections 10, 12 and 23, one proposition relating to an initiative measure adopting a General Plan Amendment to improve and preserve residents' quality of life, one proposition amending the Charter of the City of San Diego by adding Charter Section 57.1, one proposition amending the Charter of the City of San Diego by amending Charter Section 43, one proposition relating to amending the City of San Diego Progress Guide and General Plan, one proposition relating to an advisory vote on mandatory staggered-work hours program, one proposition adopting an Ordinance amending People's Ordinance No. 10960, relating to an exception to limiting the height of buildings, and consolidating said Special Municipal Election with the State General Election to be held in the City on November 8, 1988.

Subitem-B: (R-89-297 Rev.2) ADOPTED AS RESOLUTION R-271715

Adoption of a Resolution requesting the consolidation of a Special Municipal Election to be held in the City of San Diego on November 8, 1988, with the State General Election to be held on the same date.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: I475-J664.)

Motion by Henderson to add language as recommended by the City Attorney to page 4, Sec. 4.A.2.e, as follows: "Dwelling units with valid Interim Development Ordinance allocations granted prior to the effective date of this element." Second by McCarty. Passed by the following vote: Yeas-1,2,3,4,5,6,7,8,M. Nays-None. Not Present-None.

MOTION BY ROBERTS TO APPROVE THE AMENDMENT TO THE PROGRESS GUIDE

AND GENERAL PLAN, GROWTH MANAGEMENT ELEMENT, AND THE FINDINGS CONTAINED IN RESOLUTION R-89-317 REV. 1; INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE ORDINANCE; ADOPT THE RESOLUTION.

Second by Filner. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

Motion by Henderson to appoint Mayor O'Connor and Council Member Roberts to draft the ballot language for the growth management element. Second by McCarty. Passed by the following vote: Yeas-1,2,3,4,5,6,7,8,M. Nays-None. Not Present-None.

ADDITIONAL BUSINESS:

During consideration of

Subitem-A, above, the following action

was taken:

(R-89-317 Rev. 1) ADOPTED AS RESOLUTION R-271714

Adopting findings related to an amendment to the progress guide and general plan by adding a growth management element.

ITEM-S422: (O-89-23 Rev.2) INTRODUCED AND ADOPTED AS AMENDED AS
ORDINANCE O-17128 (New Series)

Consideration of an Emergency Interim Ordinance, or Ordinances, and Resolutions associated with the proposed ballot measure, to adopt in its entirety or portions thereof, the amendment to the Progress Guide and General Plan to add a Growth Management Element which contains an Environmentally Sensitive Lands Protection section, and which includes policies and provisions to balance communities, assure adequate public facilities and services, maintain a steady rate of growth, protect environmentally sensitive lands, and preserve neighborhood character by replacing a single-family house with only a single family house pending completion of a neighborhood classification study and its implementation.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: J665-K516.)

Motion by Filner to introduce and adopt the Emergency Interim Ordinance. Second by Wolfsheimer. Failed by the following vote: Yeas-1,8,M. Nays-2,3,4,5,6,7. Not Present-None.

MOTION BY HENDERSON TO INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE ORDINANCE AS AMENDED TO INCLUDE ONLY THE PROVISION OF THE SINGLE-FAMILY HOMES SECTION, USING AS FINDINGS THOSE DETERMINATIONS MADE BY STAFF. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-nay, Filner-nay, Mayor O'Connor-yea.

ADDITIONAL BUSINESS:

During consideration of the above item, the following action was taken:

(R-89-316) ADOPTED AS RESOLUTION R-271719

Directing the Planning Department to prepare a work program for implementation of the provisions of the Growth Management Element.

MOTION BY McCOLL TO DIRECT THE PLANNING DEPARTMENT TO SET UP WORKSHOPS WITH RESPECT TO THE IMPLEMENTATION OF THE GROWTH MANAGEMENT ELEMENT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-Yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S500: (R-89-300) ADOPTED AS RESOLUTION R-271716

Authorizing the City Engineer to issue a special permit to do land development work prior to the filing of the final subdivision map for Roadrunner Ridge.

CITY MANAGER SUPPORTING INFORMATION: Section 102.0318 of the Municipal Code authorizes the City Engineer to issue a special permit to do work prior to the filing of a final subdivision map, except when the subdivision is located within the Hillside Review (HR) Overlay Zone. When the subdivision is in the HR zone, the City Council must authorize the issuance of a special permit to allow work to start before the final map is filed. The subdivider has requested that he be allowed to start grading immediately so that he can complete the grading and establish erosion control before the rainy season begins. The tentative map, PRD and HR were approved on July 8, 1985. The Coastal Permit was approved on January 17, 1986. The improvement plans have been completed and the final map is expected to be ready for Council consideration in approximately eight weeks. Before a special permit is issued by the City Engineer, if so authorized by Council, the subdivider will be required to pay all fees and provide a full surety to cover all the improvements included in the Subdivision Improvement Agreement.

FILE LOCATION: SUBD - Roadrunner Ridge

COUNCIL ACTION: (Tape location: H188-194.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, McColl-yea, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S501: (R-89-) GRANTED HEARING ON SEPTEMBER 6, 1988

In the matter of clarification of the Council's action of June 6, 1988 regarding the appeal of Northern Automotive Corporation from the Historical Site Board in the historical designation of Buildings A and C (as noted in the report to the Board) and certain interior architectural elements, murals, and art work at the Savage Tire

Factory/Aztec Brewery, located at 2301 Main Street.

(Barrio Logan Community Area. District-8.)

FILE LOCATION: GEN'L - Historical Site Board Appeals &

Decisions, Savage Tire Factory/Aztec Brewery

COUNCIL ACTION: (Tape location: H195-294.)

MOTION BY FILNER TO HOLD A HEARING ON SEPTEMBER 6, 1988. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksmay-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S502: CONTINUED TO SEPTEMBER 26, 1988, 3:00 P.M. TIME

CERTAIN

Two actions relative to the Balboa Park Master Plan:

(See City Manager Report CMR-88-395. Balboa Park Community Area. District-8.)

Subitem-A: (R-89-289)

Supplementing Resolution R-269705 adopted November 9, 1987 by approving City Manager Report CMR-88-395 and the recommendations contained relative to the following parts concerning the Balboa Park Master Plan:

- Vision Statement;
- Plan Elements;
- Goals and Policies;
- Precise Plans/General Development Plans;
- Access and Parking Alternative F;
- Circulation and Parking;
- Project Listing;
- Phasing Plan;
- Financing Plan.

Authorizing the City Auditor and Comptroller to transfer \$50,000 from the General Fund Unallocated Reserve, Department 605 to the Allocated Reserve, Department 901 for purposes of finalizing the approved Master Plan Document; directing the City Manager to return to the City Council within 90 days with a consultant services agreement to accomplish the above work approved for the Balboa Park Master Plan.

Subitem-B: (R-89-290)

Certifying that the information contained in Environmental Impact Report EIR-84-0595, in connection with the Balboa Park Master Plan, has been completed in compliance with the California Environmental Quality Act of 1970, as amended,

and State guidelines, and that said Report has been reviewed and considered by the Council; adopting the findings made with respect to the feasibility of the mitigating measures and project alternatives and the statements of overriding considerations, if any, contained within Environmental Impact Report EIR-84-0595, pursuant to California Public Resources Code, Section 21081.

CITY MANAGER SUPPORTING INFORMATION: This is a companion item to the Balboa Park Master Plan which also appears on today's docket. A supplemental resolution is necessary to dispose of all remaining recommendations regarding the Balboa Park Master Plan not covered by the City Council Resolution R-269705 adopted on November 9, 1987.

Aud. Cert. 8900162.

NOTE: See Item 337 on the regular docket of Tuesday, August 9, 1988 for a companion item.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: E544-F194.)

MOTION BY ROBERTS TO CONTINUE ITEM-337 AND ITEM-S502 TO SEPTEMBER 26, 1988, 3:00 P.M. TIME CERTAIN, AT MR. BUNDY'S REQUEST BECAUSE THE PRESENT REPORT DOES NOT CONTAIN THE COMPROMISE AS PROMISED. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S503: (R-89-287) ADOPTED AS RESOLUTION R-271717

Authorizing the execution of a Cooperation Agreement with the San Diego Redevelopment Agency, the City of San Diego, and the San Diego Unified Port District for the construction of the Bayside Light Rail Trolley Line and the development of an attendant strip park, related redevelopment, and the expansion and realignment of Harbor Drive and Market Street.

(See memorandum from CCDC Acting Executive Vice President dated 7/27/88. Centre City Community Area. District-8.)

NOTE: See the Redevelopment Agency Agenda of August 9, 1988 for a companion item.

FILE LOCATION: MEET CONFY89-1

COUNCIL ACTION: (Tape location: H395-415.)

MOTION BY HENDERSON TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S504: (R-89-) ADOPTED AS RESOLUTION R-271704

Allowing the Executive Committee of the Downtown Marketing Association to appropriate no more than \$2,880.20 from the DMC budget to augment the Central City Association's "Taste of Downtown" event to be held on September 19, 1988.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B190-308.)

MOTION BY McCOLL TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT ITEM 333 AND TO ADOPT ITEMS S504, S505 AND S506. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S505: (R-89-243) ADOPTED AS RESOLUTION R-271705

Authorizing the City Manager or his representative to enter into an agreement with the San Diego Data Processing Corporation and the County of San Diego for Automated Library Circulation System services; authorizing an expenditure of an amount not to exceed \$747,452 from the General Fund (Fund No. 100) for the purpose of providing funds for the above agreement; authorizing the San Diego Data Processing Corporation to provide Library Circulation System information processing services to the City, the County and other public agencies who may request such services.

(See City Manager Report CMR-88-392.)

Aud. Cert. 8900108 Revised.

FILE LOCATION: MEET CONTFY89-1

COUNCIL ACTION: (Tape location: B190-308.)

MOTION BY McCOLL TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT ITEM 333 AND TO ADOPT ITEMS S504, S505 AND S506. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S506:

Two actions relative to the settlement of Superior Court Cases:

Subitem-A: (R-89-313) ADOPTED AS RESOLUTION R-271706

Authorizing the City Manager to pay the sum of \$30,000 in the settlement of all claims set forth in the civil rights

personal injury case of Boesen V. City of San Diego, et al., Superior Court Case No. 508982; authorizing the Auditor and Comptroller to issue one check in the amount of \$30,000 made payable to Richard J. Boesen, and his attorney, Tom Adler.

Subitem-B: (R-89-314) ADOPTED AS RESOLUTION R-271707

Authorizing the City Manager to pay the sum of \$294,569.89 in the settlement of all claims set forth in the civil rights personal injury case of Seymour v. City of San Diego, et al., Superior Court Case No. 503549; authorizing the Auditor and Comptroller to issue one check in the amount of \$294,569.89 made payable to Douglas Seymour and his attorney, David Korrey.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B190-308.)

MOTION BY McCOLL TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT ITEM 333 AND TO ADOPT ITEMS S504, S505 AND S506. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S507: (R-89-322) ADOPTED AS RESOLUTION R-271718

19880809

Stating the City Council's intention to appeal the Federal Aviation Administration (FAA) decision of No-Hazard relative to Laurel Travel Center.
(Uptown Community Area. District-2.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H299-374.)

Motion by McCarty to request the City Attorney work with the Planning Department to institute a height limit in the approach path. Motion withdrawn.

MOTION BY ROBERTS TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-CS-1: (R-89-308) ADOPTED AS RESOLUTION R-271708

A Resolution adopted by the City Council in Closed Session on August 9, 1988:
Authorizing and empowered to pay the sum of \$35,851.11 in

the settlement of claims against the City of San Diego resulting from property damage to Bohannon's Pottery Village; authorizing the City Auditor and Comptroller to issue one check payable to Luth & Turley, Inc. in full settlement of all claims.

Aud. Cert. 8900131

FILE LOCATION: MEET

ITEM-CS-2: (R-89-326) ADOPTED AS RESOLUTION R-271709

A Resolution adopted by the City Council in Closed Session on August 9, 1988:

Authorizing the City Manager to pay the sum of \$25,000.00 in the settlement of claims against the City of San Diego resulting from personal injury of Wade Nielsen, Superior Court No. 527277; authorizing the City Auditor and Comptroller to issue one check payable to Wade Nielsen in full settlement of all claims.

Aud. Cert. 8900173

FILE LOCATION: MEET

ITEM-CS-3: (R-89-319) ADOPTED AS RESOLUTION R-271710

A Resolution adopted by the City Council in Closed Session on August 9, 1988:

Authorizing the City Manager to pay the sum of \$220,000.00 in the settlement of claims against the City of San Diego resulting from personal injuries to Jose Satrustegui, Susana Satrustegui, and Victoria Satrustegui De Angeles, Superior Court Case No. 587723, Atilano Satrustegui, et al.; authorizing the City Auditor and Comptroller to issue three checks in the amounts of \$10,000.00 made payable to Jose Satrustegui and his attorney, John C. Edwards, \$110,000.00 made payable to Susana Satrustegui and her attorney, John C. Edwards, and \$100,000.00 made payable to Victoria Satrustegui De Angeles and her attorney, John C. Edwards, in full settlement of all claims.

Aud. Cert. 8900174

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

PUBLIC COMMENT:

ITEM-PC-2: REFERRED TO THE CITY MANAGER

Problems experienced by a homeless person with respect to the police not allowing him to sleep in his car and his children being taken away and placed in a foster home.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: K489-565.)

ADJOURNMENT:

By common consent, the meeting was adjourned by Mayor O'Connor at 8:45 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: K587).